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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,501	08/30/2001	Masashi Kon	09792909-5130	2401

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EXAMINER	
SHERR, CRISTINA O	

ART UNIT	PAPER NUMBER
3621	

MAIL DATE	DELIVERY MODE
05/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/944,501	KON ET AL.	
	Examiner	Art Unit	
	Cristina Owen Sherr	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. his communication is in response to applicant's amendment filed February 6, 2007. Claims 1, 12, 22 and 27 have been amended. Claims 1-27 are currently pending in this case.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 6, 2007 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated

by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

5. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

6. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-40 of copending Application No. 09/944,192. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-27 of the instant application are envisioned by copending Application No. 09/944,192 in that claims 1-40 of copending Application No. 09/944,192 contains all the limitations of the instant application. Claims 1-27 of the instant application therefore are not patentably distinct from copending Application No. 09/944,192 claims, and as such, is unpatentable for

obvious-type doubling patenting. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

8. Claims 1-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent 7,059,516. Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. Patent 7,059,516 envisions claims 1-27 of the instant application in that claims 1-24 of U.S. Patent 7,059,516 contain all the limitations of the instant application. Claims 1-27 of the instant application therefore are not patentably distinct from U.S. Patent 7,059,516 claims, and as such, is unpatentable for obvious-type doubling patenting.

9. Claims 1-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent 6,990,684. Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. Patent 6,990,684 envisions claims 1-27 of the instant application in that claims 1-2 of U.S. Patent 6,990,684 contain all the limitations of the instant application. Claims 1-27 of the instant application therefore are not patentably distinct from U.S. Patent 6,990,684 claims, and as such, is unpatentable for obvious-type doubling patenting.

10. Claims 1-27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of copending Application No. 09/943,683. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-27 of the instant

application are envisioned by copending Application No. 09/943,683 in that claims 1-30 of copending Application No. 09/943,683 contain all the limitations of the instant application. Claims 1-27 of the instant application therefore are not patentably distinct from copending Application No. 09/943,683 claims, and as such, is unpatentable for obvious-type doubling patenting. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

11. Claims 1-27 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 7,100,044. Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. Patent No. 7,100,044 envisions claims 1-27 of the instant application in that claims 1-22 of U.S. Patent No. 7,100,044 contain all the limitations of the instant application. Claims 1-27 of the instant application therefore are not patentably distinct from U.S. Patent No. 7,100,044 claims, and as such, are unpatentable for obvious-type doubling patenting.

Allowable Subject Matter

12. Claims 1-27 would be allowable if rewritten or amended to overcome the rejections under Obvious-Type Double Patenting, set forth in this Office Action.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Matyas, jr., et al (US 6697947) discloses biometric based multiparty authentication.

15. Dulude et al (US 6310966) disclose biometric certificates.

16. Musgrave et al (US 7059516) disclose a person authentication system, a person authentication method, an information processing apparatus, and a program providing medium authenticate a person who uses an information apparatus in data communication.

17. Bisbee et al (US 6367013) disclose a **SYSTEM** AND METHOD FOR ELECTRONIC TRANSMISSION, STORAGE, AND RETRIEVAL OF AUTHENTICATED ELECTRONIC ORIGINAL DOCUMENTS.

18. Vaeth et al (US 6035402) disclose a virtual certificate authority.

19. Oishi (US 6298153) discloses a digital signature method and information communication system and apparatus using such method.

20. Asay et al (US 5903882) disclose a reliance server for electronic transaction system.

21. Bianco et al (US 6256737) disclose a system, method and computer program product for allowing access to enterprise resources using biometric devices.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cristina Owen Sherr
Patent examiner, AU 3621

9/30/07

ANDREW J. FISCHER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600